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REMARKS

Claims 1-21 are pending in the application. Claims 14 and 18 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I.   *REJECTION OF CLAIM 18 UNDER 35 USC §112, 2nd ¶*

Claim 18 stands rejected under 35 USC §112, second paragraph, as being indefinite. Withdrawal of the rejection is respectfully requested for at least the following reasons.

The Examiner notes that the phrase "such as" renders the claim indefinite as it is unclear whether the limitations following the phrase are part of the claimed invention. In order to eliminate any possible indefiniteness, applicants have amended claim 18 to omit the phrase "such as ...".

Claim 18, as amended, is believed to be both clear and definite. Withdrawal of the rejection is respectfully requested.

II.   *REJECTION OF CLAIMS 1-2, 5, 7-16 AND 18-21 UNDER 35 USC §102(e)*

Claims 1-2, 5, 7-16 and 18-21 stand rejected under 35 USC §102(e) based on *Buist*. This rejection is respectfully traversed for at least the following reasons.

Claims 1 and 11:

Claim 1 recites a method of providing a user with real-time financial charting information on-line. Included in the method, *inter alia*, is the step of *"transmitting real-time financial data"* to a user's computer as a *"substantially continuous stream through an open connection"* via a computer network. Relatedly, claim 11 recites a computer software charting module which, among other things, allows the user's computer to *"receive real-time financial data"* as a *"substantially continuous stream through an open connection"* via a computer network.

The Examiner contends that *Buist* teaches a method and module for real-time financial charting of information on-line as recited in claims 1 and 11. Specifically, the

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Examiner asserts that *Buist* teaches transmitting/receiving real-time financial data with respect to a user's computer as a substantially continuous stream through an open connection via a computer network. Applicants respectfully disagree for at least the following reasons.

  Buist describes a system and method for conducting securities transactions over a computer network. Although *Buist* touches on real-time charting as a supplementary feature, the reference fails to disclose sufficient enabling disclosure to suggest to one having ordinary skill in the art that the present invention is anticipated by its teachings. Specifically, the sending and receiving of the financial chart data as a *substantially continuous stream through an open connection*, as recited in claims 1 and 11, is not taught or suggested in *Buist*. No where in the text cited by the Examiner (Col. 15, ln. 27 to Col. 16, ln. 11) is there any teaching or suggestion of the sending and receiving of financial chart data as a substantially continuous stream through an open connection. There is no teaching in *Buist* as to how to establish an open connection, for example, and/or how to provide substantially continuous real-time financial data through the open connection. In fact, *Buist* describes an embodiment (see, e.g., Col. 36, ln. 56 - Col. 37, ln. 3) that employs a mechanism that clearly suggests otherwise.

  Accordingly, withdrawal of the rejection of claims 1, 11 and those dependent therefrom is respectfully requested.

Claim 14:

  Regarding claim 14, *Buist* teaches scaling of the chart axis. (See, e.g., Col. 16, lns. 54-67). However, such scaling (i) is *only* performed on the x-axis; and (ii) has to be performed *manually* by the user. On the other hand, in the present invention scaling of *both* axes is performed *automatically* by the user's computer as the data arrives and the dynamic chart is being generated. (See, e.g., Fig. 5).

  Applicant have amended claim 14 in order to emphasize further such distinction. Specifically, claim 14 now recites how the user's computer rescales the *axes* of the graph *automatically*.

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Claim 16:

Another feature of the present invention is that the x-axis is continuously being rescaled according to time of day so that the horizontal space of the chart area is fully utilized when drawing the chart. For example, if the trading starts at 9:30 a.m., then at 9:45 a.m. the whole x-axis of the chart will cover only 15 minutes. On the other hand, at 4:30 p.m., the same x-axis would have been rescaled to cover a full 7 hours.

Claim 16 specifically recites that the module re-scales the x-axis according to the time of day such that the graph extends to the full extent of the graph area. The Examiner rejects claim 16, referring to Col. 15, ln. 27 to Col. 16, ln. 11 in *Buist* as teaching the recited features. Applicants have carefully considered the text referred to by the Examiner concerning the charts and were not able to detect any such teaching. No where is it found that *Buist* teaches that the module re-scales the x-axis according to the time of day such that the graph extends to the full extent of the graph area. Absent such teaching, the withdrawal must be withdrawn.

Claim 19:

Claim 19 refers to the present invention as providing dynamic visual cues while the graph is being generated to easily notify the user of specific events and important information. In particular, the specification describes how in the present invention dynamic visual cues are provided while the graph is being plotted to easily notify users of specific events and important information. For example, when the price remains constant for a period a straight line is being drawn. However, once a change occurs, then depending on the change being upwards or downwards, a respective green or red circle is flashed to highlight advancing end of the graph. (See, e.g., Fig. 3(a)). Such visual cues, as taught by the present invention, provide drastic improvements in the user perception when monitoring the dynamic chart of a heavily traded stock for example.

Applicants again have carefully considered the portions of the *Buist* reference concerning charts and have not detected any such teaching. In fact, the only information displayed within the charts in *Buist* are the price spread and last traded

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price for a given time during the day (col. 16, lines 1-5), and no other indication or any visual cue on the chart area is anticipated while generating the graph (FIG. 14).

Again, therefore, withdrawal of the rejection is respectfully requested.

Claim 20:

Claim 20 recites how the module enables mouse movement of the cursor on the user's computer screen to be tracked, highlights the closest point in the graph to the cursor where transactions have occurred and displays the data of the highlighted point.

The applicants have carefully studied *Buist* including the section cited by the Examiner. However, applicants did not note any teaching about tracking mouse movements and/or automatically highlighting closest points to the moving mouse cursor and displaying the corresponding transaction data, as recited in claim 20. Such features, and the advantages thereof, are discussed in the present application beginning at page, 7, line 25.

For at least the above reasons, withdrawal of the rejection of claims 1-2, 5, 7-16 and 18-21 is respectfully requested.

III.   REJECTIONS OF CLAIMS 3, 4, 6 AND 17 UNDER 35 USC §103(a)

Claims 3, 4, 6 and 17 stand rejected under 35 USC §103(a) based on *Buist* in view of *RFC 2068*, *HTTP v1.1*, *Moore et al.*, *Booth* and *Risberg*, respectively. These rejections are respectfully traversed for at least the following reasons.

Claims 3, 4, 6 and 17 depend from claim 1 or 11, either directly or indirectly, and thus may be distinguished over the teachings of *Buist* for at least the same reasons discussed above. Moreover, *RFC 2068, HTTP v1.1, Moore et al., Booth* and *Risberg* do not make up for the above-discussed shortcomings of *Buist*. Accordingly, withdrawal of each of the rejections is respectfully requested.

Regarding claim 3 in particular, the claim recites how substantially continuous streaming of the real-time financial data is achieved by not specifying a content-length header in the HTTP response packet, so that the connection is not closed by the user's

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computer and transmission of said financial data continues as and when more data becomes available. The Examiner rejects claim 3 based on chunked transfer method of HTTP 1.1 protocol as specified in *RFC 2068*.

The present method described in claim 3 has the following primary differences in comparison to the chunked transfer method of *RFC 2068*:

- The chunked transfer method Is only supported in HTTP 1.1, whereas present method works from HTTP 1.0 onwards. Hence the present method is able to work on a wider range of Internet environments.
- In chunked encoding, the server still has to encode the length of each chunk in advance within the response, whereas in the present method no length encoding whatsoever is necessary.

Hence it becomes clear that the present method, as employed for real-time delivery of financial data by the present invention in accordance with claim 3, is not anticipated by the chunked encoding method of HTTP 1.1.

For at least the above reasons, applicants respectfully request withdrawal of the rejections of claims 3, 4, 6 and 17.

IV.   CONCLUSION

Accordingly, all claims 1-21 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.
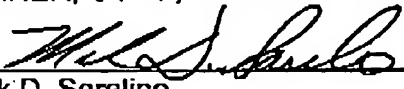
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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